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## FISCAL IMPACT REPORT

SPONSOR: Carraro DATE TYPED: 2/22/03 HB \_\_\_\_\_  
 SHORT TITLE: Prohibit Sexual Offenders from Living in  
New Mexico SB 284  
 ANALYST: Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			See Narrative	Recurring	GF/OSF

### **SOURCES OF INFORMATION**

Responses Received From  
 Administrative Offices of the Courts  
 Administrative Offices of the District Attorney  
 Corrections Department  
 Office of the Attorney General

### **SUMMARY**

#### Synopsis of Bill

Senate Bill 284 proposes to prohibit persons convicted of certain sex offenses from moving to New Mexico.

#### Significant Issues.

1. According to the District Attorneys Office, SB 284 “is completely violative of individuals' constitutional rights and guarantees, not the least of which is Equal Protection of the law. For instance, the bill prohibits persons convicted in other states from residing here, but not persons convicted here of the same offenses.”
2. The District Attorneys Office also asserts that this bill is “contrary to the provisions of our Megan's law, requiring registration of sex offenders and therefore implicitly allowing their presence in New Mexico.”
3. These same issues / concerns are raised by the other agencies submitting an analysis of this bill.

**FISCAL IMPLICATIONS**

Enacting this bill would undoubtedly lead to legal challenges. This will be costly, and will take considerable FTE and budget resources from multiple agencies.

**SJM/njw**